

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Steven John Hurlburt**
Docket No. **288327**
L.C. No. **00-002003 FH**

Henry William Saad, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The application for leave to appeal filed on October 14, 2008, is DISMISSED for lack of jurisdiction because it was not filed within 12 months of the May 13, 2002 judgment of sentence as required by MCR 7.205(F)(3), nor was it filed within the requirements of MCR 7.205(F)(4) as counsel was not requested within a year of sentencing. *Halbert v Michigan*, 545 US 605; 125 S Ct 2582; 162 L Ed 2d 552 (2005), is not retroactive. *Simmons v Kapture*, 516 F3d 450 (CA 6, 2008) and *People v Maxson*,-- Mich -- (2008) (Supreme Court No. 129693, decided December 22, 2008).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 23 2009
Date

Sandra Schultz Mengel
Chief Clerk